

2nd Sub. H.B. 11

STATE BOARDS AND COMMISSIONS AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 17, 2017 10:50 AM

Senator **Jim Dabakis** proposes the following amendments:

1. *Page 1, Lines 12 through 16:*

12 This bill:

13 ▶ removes the political party affiliation requirement and certain geographical
requirements for certain boards and

14 commissions;

15 ▶ requires certain board appointments to be made without considering political

16 affiliation or where the appointee resides ; and

2. *Page 3, Lines 70 through 71:*

70 (3) The commissioner may not consider or seek to discover the political affiliation of a

71 person or the geographic location within the state where the person resides when considering the
person for appointment or reappointment to the committee.

3. *Page 4, Lines 105 through 107:*

105 (b) The governor and the Senate may not consider or seek to discover the political

106 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or

107 confirmation to the board.

4. *Page 6, Lines 155 through 156:*

155 (iii) six elected officials at the local government level {~~, three of whom may not be~~

156 ~~residents of a county of the first or second class~~} ; and

5. *Page 6, Lines 163 through 170:*

163 {~~(A) two individuals who are residents of a county of the third, fourth, fifth, or sixth~~
164 ~~class~~};

165 {~~(B)~~} (A) one individual from the residential construction industry, nominated by the Utah
166 Home Builders Association; and

167 {~~(C)~~} (B) one individual from the real estate industry, nominated by the Utah Association of
168 Realtors.

169 (b) The governor and the Senate may not consider or seek to discover the political

170 affiliation of a person or the geographic location within the state where the person resides when
171 considering the person for appointment, reappointment, or

6. Page 6, Line 172 through Page 7, Line 181:

172 ~~{(b)}~~ (c) ~~{(i)}~~ The director of the Department of Natural Resources and the commissioner
173 of the Department of Agriculture and Food may not assume their positions on the commission
174 until:
175 ~~{(A)}~~ (i) after May 1, 2005; and
176 ~~{(B)}~~ (ii) the term of the respective predecessor in office, who is a state government level
177 appointee, expires.

~~{178 (ii) The term of a commission member serving on May 1, 2005 as one of the six
179 elected local officials or five private sector appointees may not be shortened because of
180 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees
181 from counties of the first or second class.}~~

7. Page 8, Lines 222 through 225:

222 (c) The county legislative body described in Subsection (1)(a)(i) and the police
223 interlocal entity governing body described in Subsection (1)(a)(ii) may not consider or seek to
224 discover the political affiliation of a person or the geographic location within the state where the person
225 resides when considering the person for appointment or
reappointment to the commission.

8. Page 10, Lines 280 through 282:

280 (3) The governor and the Senate may not consider or seek to discover the political
281 affiliation of a person or the geographic location within the state where the person resides when
282 considering the person for appointment, reappointment, or
confirmation to the board.

9. Page 12, Lines 338 through 343:

338 ~~{(b) represent different geographical areas within the state insofar as practicable;}~~
339 ~~{(c)}~~ (b) be a resident of Utah;
340 ~~{(d)}~~ (c) attend board meetings in accordance with the attendance rules made by the
341 department under Subsection 19-1-201(1)(d)(i)(A); and
342 ~~{(e)}~~ (d) comply with all applicable statutes, rules, and policies, including the conflict of
343 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

10. Page 12, Lines 346 through 348:

346 (3) The governor and the Senate may not consider or seek to discover the political

347 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
348 confirmation to the board.

11. Page 14, Lines 410 through 412:

410 (3) The governor and the Senate may not consider or seek to discover the political
411 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
412 confirmation to the board.

12. Page 16, Lines 483 through 485:

483 (3) The governor and the Senate may not consider or seek to discover the political
484 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
485 confirmation to the board.

13. Page 18, Lines 527 through 530:

527 [(iv)] (iii) the governor considers {geography,} sex {,} and ethnicity balance [are
528 considered] when selecting the members.
529 (c) The governor may not consider or seek to discover the political affiliation of a
530 person or the geographic location within the state where the person resides when considering the
person for appointment or reappointment to the council.

14. Page 19, Lines 572 through 574:

572 (ii) The governor and the Senate may not consider or seek to discover the political
573 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
574 confirmation to the committee.

15. Page 22, Lines 649 through 651:

649 (b) The governor and the Senate may not consider or seek to discover the political
650 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
651 confirmation to the commission.

16. Page 24, Lines 733 through 735:

733 (d) The governor and the Senate may not consider or seek to discover the political
734 affiliation of a person or the geographic location within the state where the person resides when

735 considering the person for appointment, reappointment, or
confirmation to the board.

17. Page 26, Lines 771 through 772:

771 (b) The governor may not consider or seek to discover the political affiliation of a
772 person **or the geographic location within the state where the person resides** when considering the
person for appointment or reappointment to the board.

18. Page 27, Lines 813 through 815:

813 (b) The speaker of the House of Representatives and the president of the Senate may
814 not consider the political affiliation of a House of Representatives or Senate member **or the geographic**
location within the state that the House of Representatives of Senate member represents when
815 considering the member for the appointment described in Subsection (1)(a).

19. Page 28, Lines 849 through 851:

849 (b) The governor and the Senate may not consider or seek to discover the political
850 affiliation of a person **or the geographic location within the state where the person resides** when
considering the person for appointment, reappointment, or
851 confirmation to the board.

20. Page 30, Lines 902 through 904:

902 (c) The governor and the Senate may not consider or seek to discover the political
903 affiliation of a person **or the geographic location within the state where the person resides** when
considering the person for appointment, reappointment, or
904 confirmation to the board.

21. Page 32, Lines 957 through 959:

957 (6) The governor and the Senate may not consider or seek to discover the political
958 affiliation of a person **or the geographic location within the state where the person resides** when
considering the person for appointment, reappointment, or
959 confirmation to the commission.

22. Page 33, Lines 987 through 997:

987 { ~~(a) one member shall be from Salt Lake City, Provo, or Ogden;~~
988 ~~(b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;~~
989 ~~(c) one member shall be from an unincorporated area of the state; }~~
990 { ~~(d)~~ } (a) at least one member shall be a low-income resident;
991 { ~~(e)~~ } (b) at least one member shall be a retired person;

992 {~~(f)~~} (c) at least one member shall be a small commercial consumer;
993 {~~(g)~~} (d) at least one member shall be a farmer or rancher who uses electric power to pump
 water in
994 the member's farming or ranching operation; and
995 {~~(h)~~} (e) at least one member shall be a residential consumer {~~;~~ and
996 ~~—— (i) one member shall be appointed to provide geographic diversity on the committee to~~
997 ~~ensure to the extent possible that all areas of the state are represented~~ } .

23. Page 34, Lines 1043 through 1045:

1043 (3) (a) The governor and the Senate may not consider or seek to discover the political
1044 affiliation of a person or the geographic location within the state where the person resides when
 considering the person for appointment, reappointment, or
1045 confirmation to a board under this section.

24. Page 36, Lines 1092 through 1096:

1092 [~~(b)~~] (ii) ensure that[~~:(i)~~] the six public trustees are {~~from different counties and are~~}
1093 residents of the state[~~;~~ and].
1094 (b) The governor and the Senate may not consider or seek to discover the political
1095 affiliation of a person or the geographic location within the state where the person resides when
 considering the person for appointment, reappointment, or
1096 confirmation to the board of trustees.

25. Page 37, Line 1138 through Page 38, Line 1143:

1138 (2) (a) In appointing members of the committee, the governor shall ensure that[~~:(a) no~~
1139 ~~more than eight members of the board are from one political party; and (b)] members represent~~
1140 a variety of {geographic areas and} economic interests of the state.
1141 (b) The governor and the Senate may not consider or seek to discover the political
1142 affiliation of a person or the geographic location within the state where the person resides when
 considering the person for appointment, reappointment, or
1143 confirmation to the board.

26. Page 38, Line 1165 through Page 39, Line 1181:

1165 (3) The governor and the Senate may not consider or seek to discover the political
1166 affiliation of a person or the geographic location within the state where the person resides when
 considering the person for appointment, reappointment, or
1167 confirmation to the board.
1168 (4) (a) The members shall be representative of {~~;~~
1169 ~~—— (i) all areas of the state with six being appointed from separate geographical areas as~~

1170 **provided in Subsection (4)(b); and**
1171 ~~——(ii)}~~ a diverse mix of business ownership or executive management of tourism related
1172 industries.
1173 ~~{(b) The geographical representatives shall be appointed as follows:~~
1174 ~~——(i) one member from Salt Lake, Tooele, or Morgan County;~~
1175 ~~——(ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;~~
1176 ~~——(iii) one member from Utah, Summit, Juab, or Wasatch County;~~
1177 ~~——(iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;~~
1178 ~~——(v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and~~
1179 ~~——(vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.}~~
1180 ~~{(c)}~~ **(b)** The tourism industry representatives of ownership or executive management shall
1181 be appointed as follows:

27. Page 39, Lines 1190 through 1202:

1190 ~~{(d)}~~ **(c)** One member shall be appointed at large from ownership or executive management
1191 of business, finance, economic policy, or the academic media marketing community.
1192 ~~{(e)}~~ **(d)** One member shall be appointed from the Utah Tourism Industry Coalition as
1193 recommended by the coalition for the governor's consideration.
1194 ~~{(f)}~~ **(e)** One member shall be appointed to represent the state's counties as recommended by
1195 the Utah Association of Counties for the governor's consideration.
1196 ~~{(g)}~~ **(f)** (i) The governor may choose to disregard a recommendation made for a board
1197 member under Subsections (4) ~~{(c), (e), and (f)}~~ **(b), (d), and (e)** .
1198 (ii) The governor shall request additional recommendations if recommendations are
1199 disregarded under Subsection (4) ~~{(g)}~~ **(f)** (i).
1200 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
1201 appointed for the unexpired term from the same ~~{geographic area or}~~ industry representation as
1202 the member whose office was vacated.

28. Page 41, Lines 1262 through 1264:

1262 (d) The governor, the speaker of the House of Representatives, and the president of the
1263 Senate may not consider or seek to discover the political affiliation of a person **or the geographic location**
within the state where the person resides when
1264 considering the person for appointment or reappointment to the board.

29. Page 43, Lines 1304 through 1305:

1304 (c) The governor may not consider or seek to discover the political affiliation of a
1305 person **or the geographic location within the state where the person resides** when considering the
person for appointment or reappointment to the committee.

30. Page 43, Line 1318 through Page 44, Line 1336:

1318 (b) The governor and the Senate may not consider or seek to discover the political
1319 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
1320 confirmation to the board.

1321 ~~{(2) [One] In addition to the requirements described in Section 79-2-203, one member~~
1322 ~~of the board shall be appointed from each of the following districts:~~

- 1323 ~~—— (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;~~
1324 ~~—— (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;~~
1325 ~~—— (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;~~
1326 ~~—— (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;~~
1327 ~~—— (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,~~
1328 ~~and Wayne;~~
1329 ~~—— (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;~~
1330 ~~—— (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,~~
1331 ~~and San Juan; and~~
1332 ~~—— (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,~~
1333 ~~Washington, and Kane. }~~

1334 ~~{(3)}~~ (2) (a) Except as required by Subsection ~~{(3)}~~ (2) (b), all appointments shall be
for terms of
1335 four years.

1336 (b) Notwithstanding the requirements of Subsection ~~{(3)}~~ (2) (a), the governor shall, at the

31. Page 44, Line 1343:

1343 ~~{(4)}~~ (3) A member may not receive compensation or benefits for the member's service, but

32. Page 45, Lines 1373 through 1375:

1373 (c) The governor and the Senate may not consider or seek to discover the political
1374 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
1375 confirmation to the board.

33. Page 46, Lines 1404 through 1406:

1404 (c) The governor and the Senate may not consider or seek to discover the political
1405 affiliation of a person or the geographic location within the state where the person resides when
considering the person for appointment, reappointment, or
1406 confirmation to the board.

